

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION**

In Re:)	19-13686
)	
FREDERICK BURTON,)	Chapter 13
)	
Debtor.)	Hon. Judge: CLEARY

NOTICE OF MOTION

To the following persons or entities who have been served via electronic mail:
U.S. Bankruptcy Trustee: USTPRegion11.ES.ECF@usdoj.gov
Marilyn O. Marshall, Chapter 13 Trustee: courtdocs@chi13.com

To the following persons or entities who have been served via U.S. Mail: See attached list.

PLEASE TAKE NOTICE that on **May 17, 2021**, at **1:30 PM**, I will appear before the Honorable Judge **CLEARY**, or any judge sitting in that judge's place, and present the **Motion to Modify Chapter 13 Plan and Extend Time for Debtor to File a Claim**, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828- 7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is **161 122 6457** and the password is **Cleary644**. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

PROOF OF SERVICE

The undersigned certifies that copies of this Notice and attachments were served to the listed persons or entities, if service by mail was indicated above, by depositing same in the U.S. Mail at

Wheeling, Illinois 60090, on or before November 20, 2020, at 5:30 p.m., with proper postage prepaid, unless a copy was provided electronically by the Bankruptcy Court.

DATE OF SERVICE: November 20, 2020

/s/ Robert C. Bansfield Jr.

Robert C. Bansfield Jr., A.R.D.C. #6329415

Attorney for the Debtor
DAVID M. SIEGEL & ASSOCIATES
790 Chaddick Drive
Wheeling, IL 60090
(847) 520-8100
rbansfield@davidmsiegel.com

To the following persons or entities who have been served via U.S. Mail:

Frederick Burton
823 S. Lombard Ave.
Oak Park, IL 60304

Commonwealth Edison Company
Bankruptcy Department
1919 Swift Drive
Oak Brook, IL 60523

Ana M. Kocur, General Counsel
Office of General Counsel
U.S. Railroad Retirement Board
844 North Rush Street
Chicago, IL 60611

City of Chicago Department of Finance
c/o Arnold Scott Harris P.C.
111 W. Jackson Ste. 600
Chicago, IL 60604

Erhard R. Chorlé
Chairman of the U.S. Railroad Retirement
Board
844 North Rush Street
Chicago, IL 60611

Nicor Gas
PO Box 549
Aurora, IL 60507

United States Attorney
Civil Process Clerk
219 South Dearborn Street, Room 500
Chicago, IL 60604

Kashable LLC
PO Box 4287
New York, NY 10163

Bruce A Gartner DDS MS
Certified Services Inc.
PO Box 177
Waukegan, IL 60079

Quantum3 Group LLC as agent for
Sadino Funding LLC
PO Box 788
Kirkland, WA 98083-0788

Atlas Acquisitions LLC (TEMPOE, LLC)
492C Cedar Lane Ste 442
Teaneck, NJ 07666

JEFFERSON CAPITAL SYSTEMS LLC
PO Box 7999
St Cloud, MN 56302

Village of Hoffman Estates
1900 Hassell Rd.
Schaumburg, IL 60195-2305

DEUTSCHE BANK NATIONAL TRUST
COMPANY, as Trustee f
c/o Codilis & Associates P.C.
15W030 N. Frontage Road, Suite 100
Burr Ridge, IL 60527

Illinois Department of Revenue
Bankruptcy Unit
P.O. Box 19035
Springfield, IL 62794

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In Re:)	19-13686
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FREDERICK BURTON,)	Chapter 13
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Debtor.)	Hon. Judge: CLEARY

**MOTION TO MODIFY CHAPTER 13 PLAN AND EXTEND TIME FOR DEBTOR TO
FILE A CLAIM**

NOW COMES, the Debtor, **Frederick Burton**, by and through his attorneys, DAVID M. SIEGEL AND ASSOCIATES, to present this Motion, and in support thereof states as follows:

- 1) Jurisdiction is proper and venue is fixed in this Court with respect to these parties.
- 2) On May 13, 2019, the Debtor filed a voluntary petition for relief pursuant to Chapter 13 under Title 11 USC, and the Chapter 13 plan was confirmed on August 26, 2019. Marilyn O. Marshall was appointed Trustee in this case.
- 3) The Debtor's modified confirmed Chapter 13 plan provides for payments of \$375.00 per month for 3 months, \$925.00 per month for 17 months, and \$690.00 per month for the remainder of the plan, with payments to the General Unsecured Creditors of at least 10% of their allowed claims.
- 4) The Debtor tried in good faith to list all of his creditors in the schedules filed with his Chapter 13 petition, but he was recently notified of a pre-petition debt owed to the U.S. Railroad Retirement Board that was not included in Debtor's original petition.
- 5) The deadline for filing a proof of claim was July 22, 2019, for all creditors except governmental units, and was November 12, 2019, for governmental units. The time for the Debtor to file a proof of claim pursuant to Bankruptcy Rule 3004 has expired.

- 6) The Debtor owes the U.S. Railroad Retirement Board \$9,798.96, as a general, unsecured debt.
- 7) The Debtor intends that the debt owed to the U.S. Railroad Retirement Board be paid through his Chapter 13 plan, and desires to file a claim on behalf of said creditor to provide for that payment.
- 8) The Debtor further seeks that payment under the claim for said creditor be allowed and the time to file claims to be extended.
- 9) The Debtor also seeks to have the Chapter 13 plan modified pursuant to 11 U.S.C. Sec. 1329 so that Part 2.1 of the plan provides that Debtor will pay to the Trustee \$715.00 per month for the remainder of the plan so that the plan remains feasible and so that General, Unsecured Creditors still receive at least 10% of their allowed claims.
- 10) Debtor will be able to afford the increase in his monthly payments by decreasing his costs on various expenses.
- 11) Debtor requests the above relief without any intent to defraud his creditors.

WHEREFORE, the Debtor, **Frederick Burton**, prays that this Honorable Court enter an Order to Modify Plan and Extend Time for Debtor to File a Claim and for other such relief as the Court deems fair and proper.

Respectfully Submitted,

/s/ Robert C. Bansfield Jr.
Robert C. Bansfield Jr. ARDC #6329415

Attorney for the Debtor
DAVID M. SIEGEL & ASSOCIATES
790 Chaddick Drive
Wheeling, IL 60090
847/ 520-8100
rbansfield@davidmsiegel.com